

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

In re	§	
	§	
EPTMS, INC.,	§	Case No. 17-31729-HCM-11
	§	
Debtor.	§	

**DEBTOR'S RESPONSE TO MOTION OF UNITED STATES TRUSTEE  
TO DISMISS OR CONVERT CASE**

TO THE HONORABLE H. CHRISTOPHER MOTT, UNITED STATES BANKRUPTCY JUDGE:

Now comes the Debtor-in-Possession EPTMS, INC. and through its counsel E.P. BUD KIRK files this Response to Motion of UNITED STATES TRUSTEE to Dismiss or Convert Case, and for cause would show:

I-VII.

The Debtor admits the averments of Motion paragraphs 1 through 7.

VIII-IX.

Paragraphs 8 and 9 of the Motion merely state legal principals and do not require a response.

X-XIII.


Debtor agrees there is cause to dismiss or convert the case, and the over-encumbered status of the assets makes administration by a Chapter 7 trustee pointless.

XIV.

Debtor's counsel undersigned requests a hearing because he has been unable to find out the exact reasons for the Debtor's inability to adhere to its Chapter 11 obligations. He does know that the Debtor has been unable to find any lender willing to issue credit cards to its customers, for purchasers of the better mattresses the Debtor sells, and that has drastically reduced the Debtor's sales volume.

WHEREFORE, PREMISES CONSIDERED, Debtor prays that after a hearing, this case be dismissed, unless unknown circumstances warrant otherwise.

Respectfully submitted this 16<sup>th</sup> day of March, 2018.

/s/ 

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Attorney for the Debtor

**CERTIFICATE OF SERVICE**

I do hereby certify that on the 16<sup>th</sup> day of March, 2018, I did cause a copy of the foregoing Debtor's Response to Motion of United States Trustee to Dismiss or Convert Case to be mailed to U.S. Trustee, P.O. Box 1539, San Antonio, TX 78205-1539; to EPTMS, INC., 9813 Dyer, Suite 300, El Paso, TX 79924; to Jay W. Hurst, Assistant Attorney General, Bankruptcy & Collections Division MC 008, P.O. Box 12548, Austin, TX 78711-2548; to Corsicana Mattress, c/o Shad Robinson, 100 N. Ritchie Road, Ste. 200, Waco, TX 76712-8544; to WRI North Towne, LLC, c/o Weingarten Realty Investors, 2600 Citadel Plaza Dr., Ste. 125, Houston, TX 77008; to Richard Rosen, Inc., c/o Mounce, Green, Myers, Safi, Paxson, & Galatzan, P.O. Drawer 1977, El Paso, TX 79999; to City of El Paso, c/o Don Stecker, 711 Navarro Street, Ste. 300, San Antonio, TX 78205; to Kingsdown, Inc., c/o Harrel L. Davis, P.O. Box 1322, El Paso, TX 79947-1322; to Mimco, Inc., c/o Herbert Ehrlich, 444 Executive Center Blvd., Ste. 240, El Paso, TX 79902; to Rapid Capital Funding, c/o Corey W. Haugland, James & Haugland, P.C., P.O. Box 1770, El Paso, TX 79949-1770; to Gilbert Malooly, c/o James W. Brewer, P.O. Drawer 2800, El Paso, TX 79999; to Pearl Delta Funding, LLC, c/o Christopher R. Murray, 909 Fannin, Ste. 3700, Houston, TX 77010; and to all parties in interest as shown on the attached list.

/s/   
E.P. BUD KIRK

Allen Sigmon Real Estate Group  
9201 Montgomery Blvd. NE Bldg. 1  
Albuquerque, NM 87111

American Express Corporate Card  
4315 S. 2700 W  
Salt Lake City, UT 84184-0440

American Express Platinum Business  
4315 S. 2700 W  
Salt Lake City, UT 84184-0440

Bank of America  
Legal Order Processing  
NY7-501-02-07  
5701 Horatio Street  
Utica, NY 13502

Bank of America  
310 N. Mesa St. #500  
El Paso, TX 79901

BMO Harris Bank N.A.  
P.O. Box 71951  
Chicago, IL 60694-1951

Bosques Investments, Inc.  
c/o Maestas & Ward  
P.O. Box 91090  
Albuquerque, NM 87190

CMS Property, Inc.  
Attn: Ceili Feldkamp  
5800 San Francisco Rd. NE  
Albuquerque, NM 87109

Columbus Capital, LLC  
141 E. Palace Ave.  
Santa Fe, NM 87501

Coronado Towers  
c/o Jaxon Texas  
P.O. Box 12127  
El Paso, TX 79913

Corsicana Bedding  
3001 South U.S. Hwy 207  
Corsicana, TX 75109

Del Rey Estates, LLC  
2122 Desert Green  
Las Cruces, NM 88011

Del Rey Estates, LLC  
c/o MAI 1st Valley  
1155 S. Telshor, #300

Las Cruces, NM 88011

Downstream Properties  
4445 N. Mesa  
El Paso, TX 79902

El Paso County Tax Assessor/Collector  
301 Manny Martinez Dr.  
El Paso, TX 79905

El Paso Electric Company  
c/o Jeffrey T. Weikert  
100 N. Stanton Street  
El Paso, TX 79901

El Paso Water Utilities  
c/o Daniel Ortiz  
1154 Hawkins  
El Paso, TX 79925

EP Summit Investment  
3737 Gateway West  
El Paso, TX 79903

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Albuquerque, NM 87109

HNMI Two, LLC  
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Schoenberg & Associates  
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Los Angeles, CA 90077-1724

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Denver, CO 80204

Internal Revenue Service  
Centralized Insolvency Office  
P.O. Box 7346  
Philadelphia, PA 19101-7346

IRS Insolvency Office  
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Austin, TX 78701

JP Morgan Chase Bank  
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El Paso, TX 79912

Kabbage, Inc.  
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Atlanta, GA 30309

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Mebane, NC 27302

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Las Cruces, NM 88007

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El Paso, TX 79925

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On Site Holding  
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Glendale, CA 91203

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Water Utility Authority  
P.O. Box 568  
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